

Effective 5/12/2015

63N-10-303 Grounds for denial of license -- Disciplinary proceedings -- Reinstatement.

- (1) The commission shall refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this chapter.
- (2) The commission may refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or otherwise act upon the license of any licensee if:
 - (a) the applicant or licensee has engaged in unlawful or unprofessional conduct, as defined by statute or rule under this chapter;
 - (b) the applicant or licensee has been determined to be mentally incompetent for any reason by a court of competent jurisdiction; or
 - (c) the applicant or licensee is unable to practice the occupation or profession with reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any other mental or physical condition, when the licensee's condition demonstrates a threat or potential threat to the public health, safety, or welfare, as determined by a ringside physician or the commission.
- (3) Any licensee whose license under this chapter has been suspended, revoked, or restricted may apply for reinstatement of the license at reasonable intervals and upon compliance with any conditions imposed upon the licensee by statute, rule, or terms of the license suspension, revocation, or restriction.
- (4) The commission may issue cease and desist orders:
 - (a) to a licensee or applicant who may be disciplined under Subsection (1) or (2); and
 - (b) to any person who otherwise violates this chapter or any rules adopted under this chapter.
- (5)
 - (a) The commission may impose an administrative fine for acts of unprofessional or unlawful conduct under this chapter.
 - (b) An administrative fine under this Subsection (5) may not exceed \$2,500 for each separate act of unprofessional or unlawful conduct.
 - (c) The commission shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in any action to impose an administrative fine under this chapter.
 - (d) The imposition of a fine under this Subsection (5) does not affect any other action the commission or department may take concerning a license issued under this chapter.
- (6)
 - (a) The commission may not take disciplinary action against any person for unlawful or unprofessional conduct under this chapter, unless the commission initiates an adjudicative proceeding regarding the conduct within four years after the conduct is reported to the commission, except under Subsection (6)(b).
 - (b) The commission may not take disciplinary action against any person for unlawful or unprofessional conduct more than 10 years after the occurrence of the conduct, unless the proceeding is in response to a civil or criminal judgment or settlement and the proceeding is initiated within one year following the judgment or settlement.
- (7)
 - (a) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, the following may immediately suspend the license of a licensee at such time and for such period that the following believes is necessary to protect the health, safety, and welfare of the licensee, another licensee, or the public:
 - (i) the commission;

- (ii) a designated commission member; or
- (iii) if a designated commission member is not present, the director.
- (b) The commission shall establish by rule appropriate procedures to invoke the suspension and to provide a suspended licensee a right to a hearing before the commission with respect to the suspension within a reasonable time after the suspension.

Renumbered and Amended by Chapter 283, 2015 General Session